THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 17576 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed against the order dated 1.9.2005 passed by the A.P. Administratssive Tribunal, Hyderabad in O.A. No. 5416 of 2001.

The respondent herein filed O.A. No. 5416 of 2001 before the Tribunal to set aside G.O.Ms.No. 41 Transport, Roads and Buildings (S.I-3) Department dated 24.2.2000 and consequently to direct the respondents therein to release the entire pensionary benefits to the applicant with interest. Having adjudicated upon the O.A., the Tribunal set aside the impugned G.O. and directed the concerned authorities to release all the pensionary benefits in favour of the applicant. Aggrieved, the petitioner-Department filed this writ petition.

Heard the learned Government Pleader for Services-II and perused the material available on record.

Though it is contended by the learned Government Pleader that the Tribunal totally erred in passing the impugned order in view of the fact that there are several allegations of irregularities against the respondent herein, it is evident from the material that none of the charges leveled against the respondent was proved and the Enquiry Officer in his report submitted to the petitioner No.1 herein has mentioned the said fact. However, the 1st petitioner has not accepted the same and found the respondent guilty of the

charges leveled against him and imposed the punishment of 10% cut in the pension vide G.O.Ms.No. 41 dated 24.2.2000, without any valid reason. No material is placed before the Tribunal or before this Court as to which Rule or provision provided power or authority to the 1st petitioner to pass such order without giving any valid reason, more particularly, when the enquiry report is to the effect that the charges leveled against the respondent – applicant are not proved.

Having regard to the facts and circumstances stated above, we do not find any reason to interfere with the order passed by the Tribunal. The writ petition lacks merit. It is accordingly dismissed.

T. MEENA

KUMARI, J.

G. CHANDRAIAH, J.

Date: 20-08-2007.

MVB.